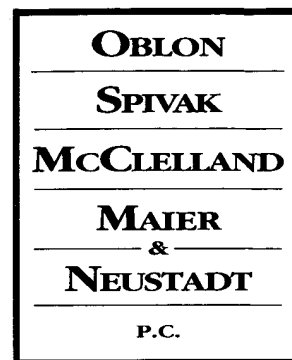


Docket No.: 246303US3X



COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313



RE: Application Serial No.: 10/726,539
Applicants: Yoshiaki KINEMUCHI, et al.
Filing Date: December 4, 2003
For: GRADING POROUS STRUCTURE AND ITS PROCESS
Group Art Unit: 1771
Examiner: VO, H.

ATTORNEYS AT LAW

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SIR:

Attached hereto for filing are the following papers:

RESPONSE TO RESTRICTION REQUIREMENT

Our check in the amount of \$0 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

A handwritten signature in black ink, appearing to be "Gregory J. Maier", written over a horizontal line.

Gregory J. Maier
Registration No. 25,599

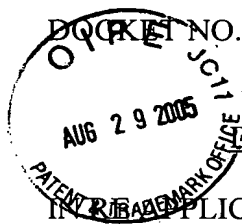
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DOCKET NO.: 246303US3X



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF

:

Yoshiaki KINEMUCHI, et al.

: EXAMINER: VO, H.

SERIAL NO: 10/726,539

:

FILED: December 4, 2003

: GROUP ART UNIT: 1771

FOR: GRADING POROUS
STRUCTURE AND ITS
PROCESS

:

RESPONSE TO RESTRICTION REQUIREMENT

COMMISSIONER FOR PATENTS
ALEXANDRIA, VA 22313-1450

SIR:

In response to the Restriction Requirement dated July 27, 2005, the Applicants elect with traverse the invention of Group I corresponding to Claims 1-7.

The Applicants respectfully traverse the restriction requirement based on MPEP § 803, which states:

... If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

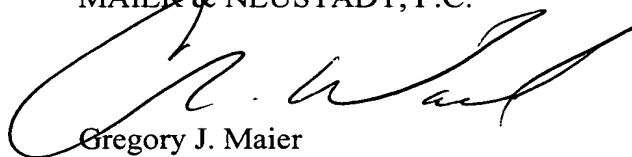
The claims of the present invention would appear to be part of an overlapping search area. Accordingly, the Applicants respectfully traverse the outstanding restriction requirement on the grounds that a search and examination of the entire application would not place a *serious* burden on the Examiner.

Application Serial No.: 10/726,539
Response to Restriction Requirement dated July 27, 2005

Therefore, it is respectfully requested that the requirement to elect a single invention be withdrawn, and that a full examination on the merits of Claims 1-10 be conducted.

Respectfully Submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



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GJM:CDW:brf

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